HIGHER EDUCATION Brief

Special Issue, February 1993

Editor's Note

Patrick Kenniff, our Rector, poetically described Concordia as "... 'a mariage de raison' between a strong-willed Irish Catholic and an equally determined and enterprising downtown Scottish Protestant...".

The first edition of the *Higher Education Brief* was devoted to the fathers of the bride, the first Governors and Principals of Sir George Williams University.

This edition is devoted to the groom, Loyola and its fathers, the Jesuits.

I would like to thank Mrs. Gabrielle Murphy, Alumni Officer, for her special contribution and Rev. Stanley Drummond for his insightful comments. I would also like to dedicate this edition to the late Rev. J.M. Filion, S.J. His document, *Loyola College and the Jamdudum Privileges*, has been my primary source of inspiration.

Michèle Gamache
Legal Counsel

Ignatius Loyola, (1491-1556)

The Founder of the *Compagnie de Jésus*

His real name was Inigo. A Basque, he was the youngest son of a very respectable, but modest land-owning family. Christendom was to him an organized society under siege. Trained as a soldier, he chose the term "Company" for his Society. He never used the term Jesuit. In his view, he and his Companions were to be the special soldiers of the Pope.

LOYOLA COLLEGE

In 1848, Felix Martin and four Jesuit Companions came from France and opened St-Mary's College. It began as a High School and, by 1852, provided a full eight year course based on the model of the Classical College of France. The College was bilingual and was officially known as both Le Collège Ste-Marie and St-Mary's College. At that time, Montréal was a garrison town with a population of 50,000, 56% being English-speaking.

Jamdudum Privileges

In 1852, the Québec *Séminaire* authorities obtained a University Charter from London and Laval University was created. As the *Petits Séminaires* of the Québec Archidiocese, the Colleges of the Montréal Diocese were invited to seek an affiliation which would grant University degrees to their graduates. However, at that time, a degree was not required by any professional schools. Father Martin, the rector of St-Mary's College, was not averse to affiliation but on one condition. He wanted the College to be allowed to organize and conduct the studies of the institution and all examinations according to the educational principles of the Jesuits, the three century old *Ratio Studiorum*[1]. Thirty years later, Pope Leo III and his *Jamdudum*[2] Bull[3], settled the relation between the College and Laval University. The *Jamdudum* privileges obligated Laval's Rector to grant the same degrees it was granting its affiliate Colleges to St-Mary's students who were declared by the College worthy of these degrees.

These privileges permanently linked the histories of St-Mary's and Loyola College. In 1899, the latter was recognized by Laval University as an extension of St-Mary's and the privileges granted to St-Mary's were extended to Loyola.

1. Programme of studies which stresses the classics and philosophy.
2. Meaning "from now on".
3. Official instructions from the Pope (called a Brief or a Bull, depending on their length) are always titled after the first two words of the document.

The Jesuits

In 1759, the Jesuits were banished and expelled from all the colonies of the Portuguese Empire. In 1761, all the Society's property in France were confiscated and, by an Edict of November 1764, its members were expelled from the French dominions. They were banished from Spain in 1767. After the death of their most passionate defender, Pope Clement XII, Charles III of Spain, a Catholic monarch, presented to the Pope's successor the alternative of suppression of the Society or secession of his country from the Church. In 1773, in his Brief *Dominus Ac Redemptor*, Clement XIV wrote a painful page of history. The Jesuits, "the light horse" of the Church were a malevolent organization and their suppression was desirable.

But the Brief only took effect in countries where it was promulgated by the secular power. In Canada, the Catholics had been granted much greater religious freedom than Catholics in Great Britain enjoyed at that time. Monsignor Briand, the Bishop of Québec, refused to promulgate the Brief.

The Jesuits had opened a College in Québec City in 1635 but with the suppression of the Society and the death, in 1800, of the last Jesuit, Father Joseph Casot, they disappeared from Canada. When Québec was captured in 1759, the British seized their buildings and General Amherst obtained from the King of England a title to all the Jesuit Estates. Because they had been granted various tracts of land by the King of France, their holdings amounted to some eight hundred thousand acres. However, since international law did not permit conquerors to confiscate private property, the Jesuits would retain their ownership till the death of Father Joseph Casot.

On the 25th of December, 1815, Pius VII promulgated the Brief of Restoration of the Society. In 1841, Ignaze Bourget, Bishop of Montréal, urged the Jesuits to return to Canada. He wanted them to open a new college in Montréal and to found a Catholic University by reclaiming the funds from the Jesuit Estates.

Loyola College

In 1888, St-Mary's shut down its Commercial Courses, providing room for a separate class for English-speaking students. The following year they numbered thirty-four, and by 1896, the increase was such that the group had to migrate to new quarters. Loyola came into existence.

Classes began in the rented Old Convent of the Ladies of the Sacred Heart at the corner of Bleury and St. Catherine Streets. By 1897, the Convent was crowded beyond capacity and a fire in the garret destroyed the roof, making the building unfit for dwelling.

The old Tucker School on Drummond Street was for sale and the *Compagnie de Jésus* purchased it for Loyola. But this property was not suitable for accommodating boarders. Arrangements were made with the Montréal Amateur Athletic Association, granting Loyola's students the use of its premises, at that time the best in Montreal, during certain hours. The Old Victoria rink was also rented for the resident students through the long winter months.

Loyola was forced to remain at the Drummond St. address until 1916. Although building operations on Loyola's final site were begun in 1913, the First World War and extended sale negotiations for the Drummond St. property delayed the operations.

On the 5th day of August, 1916, a Mass was sung to celebrate the completion of the College's new site. The junior building, the refectory building and part of the administration building were ready to welcome students.

The Act of Incorporation:
First attempt to obtain a University Charter

On January 16th, 1899, a petition was introduced in the Legislative Assembly of the Province of Québec requesting an Act to incorporate Loyola College. The second provision of the Bill stated that the College would have the power to confer the degrees of bachelor of letters and bachelor of arts and for that purpose would be authorized to establish regulations regarding courses to be followed and examinations to be written. The Bill quickly received its first two readings in its original form and was referred to the Private Bills Committee. At the request of Monsignor J.C.K. Laflamme, Laval University's Rector, the clause granting the College power to confer degrees was struck out. In its stead a clause was inserted which provided only the power to affiliate with any University in the Dominion of Canada. However, Monsignor Laflamme recognized that the *Jamdudum* privileges conferred to St-Mary's College extended to Loyola College under the same terms.

Second attempt to obtain a University Charter

In accordance with the *Jamdudum* Brief, the University of Montréal was established as a *succursale* or dependant branch of Laval University but was never satisfied with its status. The Archbishop of Montréal, Monsignor Gauthier, wanted the new institution to be a Pontifical University and discussed with each of the Bishops the conditions of affiliation of their respective colleges or *Petits Séminaires*. He asked the Provincial at St-Mary's College to prepare a petition for the Holy See requesting the continuation of its *Jamdudum* privileges. However, the Rescript[4] of Rome stated that St-Mary's College must be united with the University of Montréal and should no longer enjoy the privileges conceded by Pope Leo XIII. Nevertheless, the Jesuits remained devoted to the task of protecting the interests of St-Mary's and Loyola, and on January 5th, 1920, Rome confirmed their privileges which were formally recognized on February 4th, 1920, in the Civil Charter of the University of Montréal.

This struggle and the will of a notable group of English-speaking Catholics for a Catholic University led Rev. William Hingston, Rector of Loyola, to request a University Charter. Loyola took the necessary steps to obtain legal autonomy and the right to grant its own degrees. Premier L.A. Taschereau was favourable to their cause and moreover promised a grant of $350,000 to aid in the establishment of the new university. Dr. B.A. Conroy sponsored a joint Petition of Loyola College and its Governors to be presented as a Bill in the Legislature; but, Loyola was called upon to withdraw the Petition at the request of the Suffragan Bishops of Montréal.

In 1924, Rev. Hingston left for Rome. He had prepared a memorandum in support of granting Loyola a University Charter. He discussed the matter with the Apostolic Delegate in Ottawa, Monsignor Di Maria and the Archbishop of Montréal, Monsignor Charbonneau. Again, Loyola was asked to withdraw its request.

Further attempts for a University Charter

In the early the nineteen twenties, the College departed from the pattern of the classical college by becoming a separate entity, distinct from the High School.

In the nineteen forties, the College developed along the lines of a university college. Two new Faculties of Science and of Commerce were added to the original Faculty of Arts and a Department of Engineering was created.

Again, with the support of Monsignor Charbonneau, Loyola yearned to become an autonomous institution of higher learning. In 1947, a representative delegation from Loyola, including John T. Hackett, K.C., and Major-General Georges Vanier met with Premier Duplessis, seeking financial assistance with a view to becoming a full-fledged university. The Premier expressed the view that a University Charter would not be considered. In 1949, John Hackett and Henry Mulvena, K.C., met with Premier Duplessis, who then turned down the project for political and financial reasons.

In 1954, 1960 and 1961, further unsuccessful attempts were made. The 1961 attempt seemed assured with the support of Bishop Emmett Carter, Governor-General Georges Vanier and educators from many parts of Canada. A petition was even signed by 34,000 English-speaking Canadians. At the same time, the *Collège Brébeuf* also submitted a petition for a University Charter. Premier Lesage decided to deal with these requests in the context of a Royal Commission of Inquiry on Education under the chairmanship of Monsignor Alphonse-Marie Parent, former Rector of Laval University.

* * *

At least 60,000 students have attended Loyola College.

* * *

"Loyola has served the province, the Church and especially the students."

Rev. Stanley Drummond, S.J.

"Loyola represents a culture in which competition among students was deemed healthy, but ambition in adults was deemed trivial. Not that Loyola was not proud of its prominent grads. But success was understood in a way which also included the last judgement."

Sean McEvenue, Chair of Theology Dept.

Sources: Christopher Hollis, *The Jesuits, A History*, Macmillan Company, New York, 1968; T.P. Slattery, *Loyola and Montréal,* Palm Publishers, Montréal, 1962; J.M. Filion, S.J., *Loyola College and the Jamdudum privileges,* Concordia University Archives.

4. An official reply from the Pope.

Published by: The Legal Counsel Office, 1455 de Maisonneuve West, BC124, Montréal, Québec, H3G 1M8
Tel: (514) 848-4854
Fax: (514) 848-8655
EDITOR: Michèle Gamache; PRODUCTION EDITOR: Alison Kavanagh
Logo Design: Michael Hainsworth, Marketing Communications
Printing: Concordia Printing Services